



U.S. Army Corps  
of Engineers  
Honolulu District

# Public Notice of Application for Permit

Regulatory Branch  
Building 230  
Ft. Shafter, Hawaii 96858-5440

**PUBLIC NOTICE DATE:** February 8, 2005

**EXPIRATION DATE:** March 8, 2005

**REFERENCE NUMBER:** POH-2005-74 (formerly File No. 200400001)

**WATERWAY NAME:** Hawaii Kai Marina

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

**APPLICANT:** Hawaii Kai Marina Association  
Hawaii Kai Shopping Center  
377 Keahole Street, Suite D-1C  
Honolulu, HI 96825

**APPLICABLE STATUTORY AUTHORITIES:** Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. 1344).

**LOCATION OF PROPOSED ACTIVITY:** Hawaii Kai Marina, Oahu

**PURPOSE:** The project is intended to benefit Hawaii Kai Community Association boaters by maintaining navigable depths within the marina and entrance channel. Dredging would remove sediments that would eventually move to the ocean as well as remove sediments that move from the shoreline to the entrance channel.

**DESCRIPTION OF PROPOSED ACTIVITY:** The Corps of Engineers, Honolulu District, is evaluating a permit application by the Hawaii Kai Marina Community Association (HKMCA). HKMCA proposes to maintenance dredge Hawaii Kai Marina over a ten-year period and dispose the dredged material into two existing Rim Islands within the marina. In addition, sand suitable as beach replenishment fill may be placed onto adjacent beaches. Maintenance dredging of an additional area under and adjacent to the Kalaniana'ole Highway Bridge which was acquired by conveyance from the Hawaii Department of Land and Natural Resources would also be authorized under this permit. The continued maintenance and monitoring of an experimental sandbag groin system previously placed by the Division of Boating and Outdoor Recreation,

State Department of Land and Natural Resources within this easement is also included for authorization under this permit.

Hawaii Kai Marina is surrounded by residential neighborhoods and is subject to sediment loading from storm drains and drainage canals. Mud, debris, and silt flow into the marina during rain storms. A similar permit was issued in 1993, but has expired. Dredging is required to maintain a safe, navigable waterway for boaters.

HKMCA estimates that 500 to 60,000 cubic yards of mud, silt, and gravels would be dredged in the ten-year period. Dredged material would be disposed in Rim Islands #1 and #2. Maintenance dredging activities will be performed in accordance with Site-Specific Best Management Practices Plan. Requests for maintenance dredging during the ten-year period will require the applicant to notify the Corps, providing proposed quantities, work locations and time periods, and methods of dredging. Either mechanical or hydraulic dredging methods may be used.

All work would conform to the locations shown in the attached drawings (4 sheets).

**IMPACTS OF THE PROPOSED ACTIVITIES ON THE ENVIRONMENT, IF**

**AUTHORIZED:** During the dredging period(s) there would be temporary increases in noise and water turbidity and boat traffic would be temporarily obstructed at work areas. The proposed project would use mechanical means to remove bottom sediments that would generate a localized plume. The water quality of the surrounding waters not open to the general public is expected to be degraded during dredging episodes. Water quality monitoring during dredging and disposal operations will be conducted.

Sessile or slow-moving biota inhabiting mixed silts, sands, and coral rubble or living along slopes and bottoms of the Hawaii Kai Marina and entrance channel may be destroyed or displaced by dredging activities. About 267 acres (109 hectares) of bottoms in 5 to 8 feet of water will be affected by maintenance dredging. Mitigation for estuarine habitat loss has not been recommended by the USNMFS. A Best Management Practices Plan (BMPP) will be required to minimize turbidity and the proper handling and disposal of excavated material. In addition, the BMPP will also contain measures to avoid, minimize or mitigate potential pollution events from equipment maintenance, leaks, and spills. Noise-producing activities during construction (i.e. equipment operation) will be minimized by distance from residential areas and restricting activities to daylight hours of operation. Finally, a waterbird habitat best management practices plan will be followed to mitigate potential impacts of activities occurring at Rim Island 2. A draft of this plan is attached to this public notice.

Marine-related activities in the project vicinity are restricted to public commercial and private personal recreational uses. Consumptive/gathering in marina waters are restricted by covenants of the Hawaii Kai Marina Association. Relative to the restricted waters of the Hawaii Kai Marina and normal conditions of access, users will be required to temporarily relocate their activities away from areas of active dredging.

**IMPACTS ON CULTURAL RESOURCES:** The State Historic Preservation Officer has reviewed the applicant's proposed activity and in a letter dated January 6, 1998 to the agent concurred in a determination of no effect on significant historic sites.

This notice has been sent to the State Historic Preservation Officer, the State Office of Hawaiian Affairs, Hui Malama I Na Kupuna, and the federal Secretary of the Interior. Any comments they have regarding historic properties and cultural resources will be considered before a final decision is made on the DA permit.

**IMPACTS ON ENDANGERED SPECIES:** Green sea turtles and the Hawaiian Stilt, federally listed threatened species, are known to occur in the project area. The applicant has initiated informal Section 7 consultation with the US Fish and Wildlife Service (USFWS) and US National Marine Fisheries Service (NMFS). The marine environment around the areas of proposed disturbance consists primarily of silt, sand and rubble which supports minimal growth of algal species preferred by turtles. One impoundment area known as Rim Island No. 2 (about 5,000 square feet or about 0.14 acres) will be used to accommodate dredged fill material and is also recognized as habitat for the Hawaiian Stilt. A waterbird habitat best management practices plan will be followed for activities to occur at Rim Island 2. A draft of this plan is attached to this public notice.

No significant adverse impacts to federally listed species and live coral are expected from the proposed project. No in-water blasting techniques will be used or allowed. This prohibition will be stated in general and special conditions of the DA permit.

This notice has been sent to the USFWS and NMFS. Any additional comments they have on endangered or threatened species, essential fish habitat, and special aquatic sites will be considered before a final decision is made on the permit.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all those factors, which become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of this general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or

criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

**COMMENTS AND INQUIRIES:** The U.S. Army Corps of Engineers (USACE) is soliciting comments from the public, Federal, State and local agencies and officials, native Hawaiian groups and individuals and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

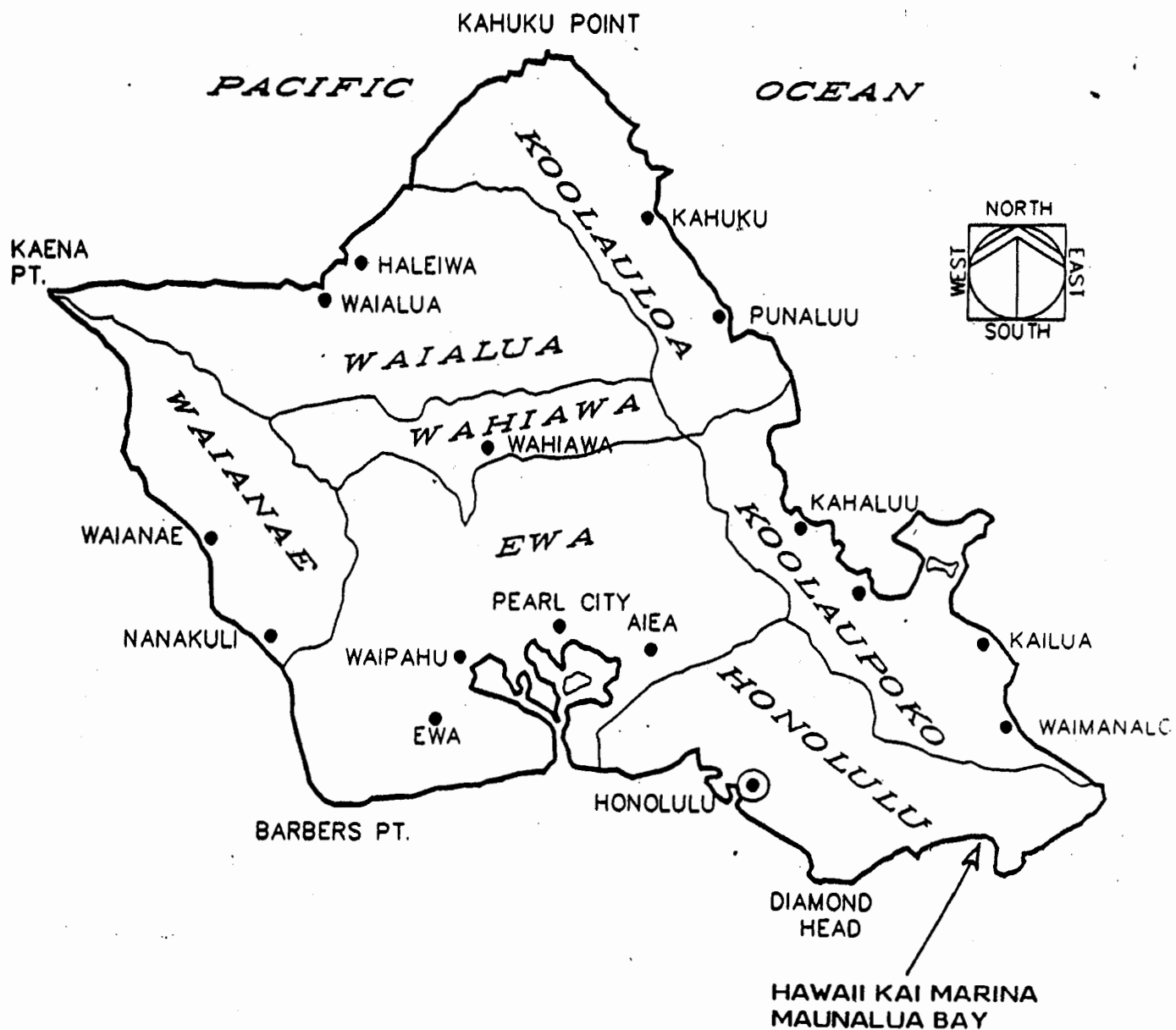
Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Farley K. Watanabe at 808-438-7701 if further information is desired concerning this notice. Electronic comments by e-mail can be posted at [CEPOH-EC-R@usace.army.mil](mailto:CEPOH-EC-R@usace.army.mil). Facsimile comments can be sent to 808-438-4060.

It is Corps of Engineers policy that any objections will be forwarded to the applicant for comment or rebuttal before the objection is resolved. If the objecting party so requests, all personal information will be deleted from the forwarded letter, or the objections will be sent in paraphrased, summary form.

**OTHER PERMITS AND AUTHORIZATIONS:** Prior to the issuance of the Department of Army permit, the applicant is required to obtain an individual Section 401 Water Quality Certification, or waiver thereof, from the State Department of Health, Clean Water Branch and a Coastal Zone Management (CZM) Program consistency determination, waiver, or exemption, from the Office of Planning. The requirements for a CZM consistency statement and accompanying information are available for public review at the Department of Business, Economic Development & Tourism, Office of Planning, CZM Program Office, 235 S. Beretania Street, 6<sup>th</sup> Floor, Honolulu, HI 96813. Comments on the consistency statement should be submitted in writing to the Department of Business, Economic Development & Tourism, Office of Planning, CZM Program Office, P.O. Box 2359, Honolulu, HI 96804 no later than 30 days from the date of this notice.

**REQUEST FOR PUBLIC HEARING:** Within 30 days from the date of this notice, any person may request, in writing, that the U.S. Army Corps of Engineers, Honolulu District, hold a public hearing to consider this Department of the Army permit application. Requests for public hearings shall state clearly and concisely, the reasons and rationale for wanting to hold a public hearing.

Attachments

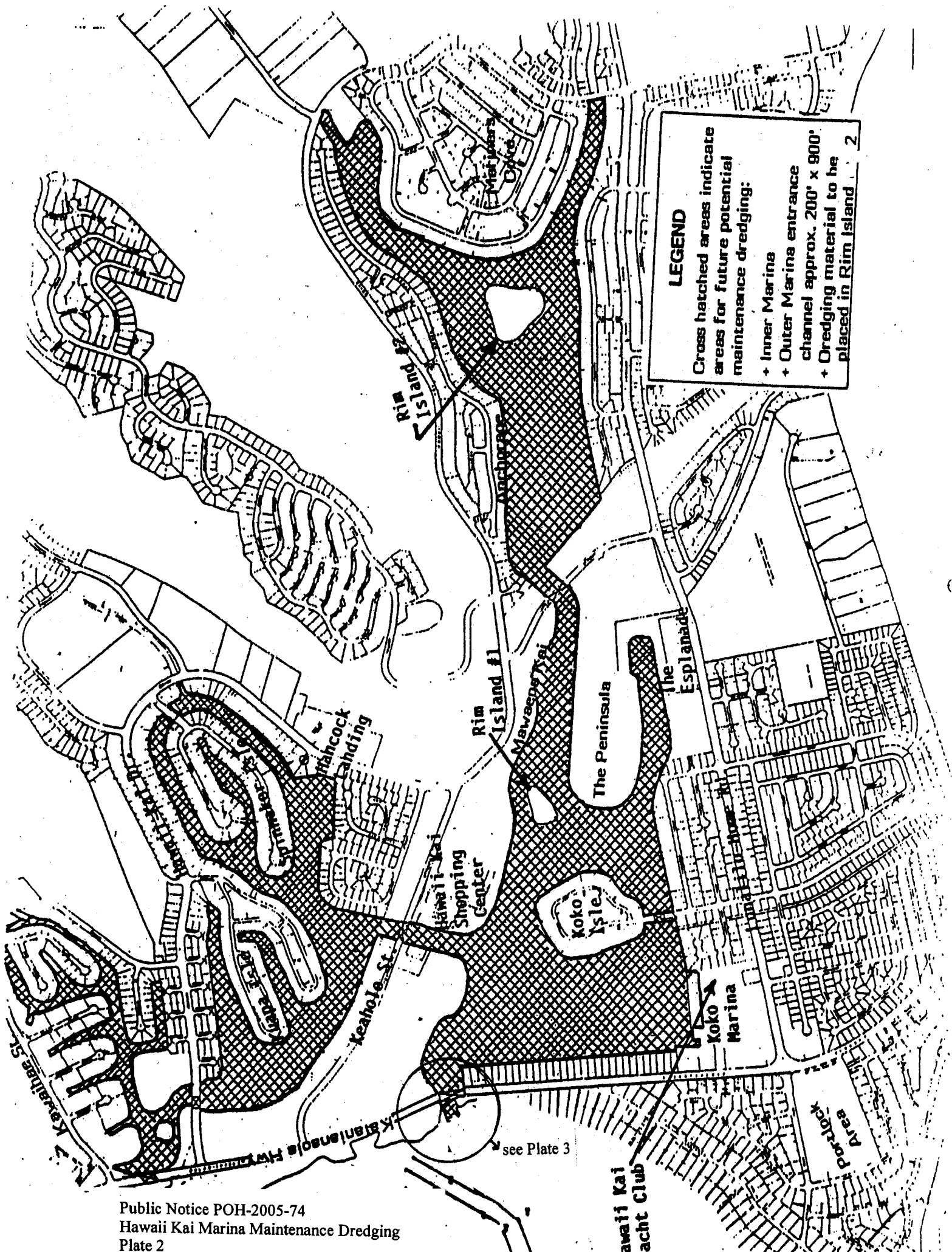


# ISLAND OF OAHU

Not to Scale

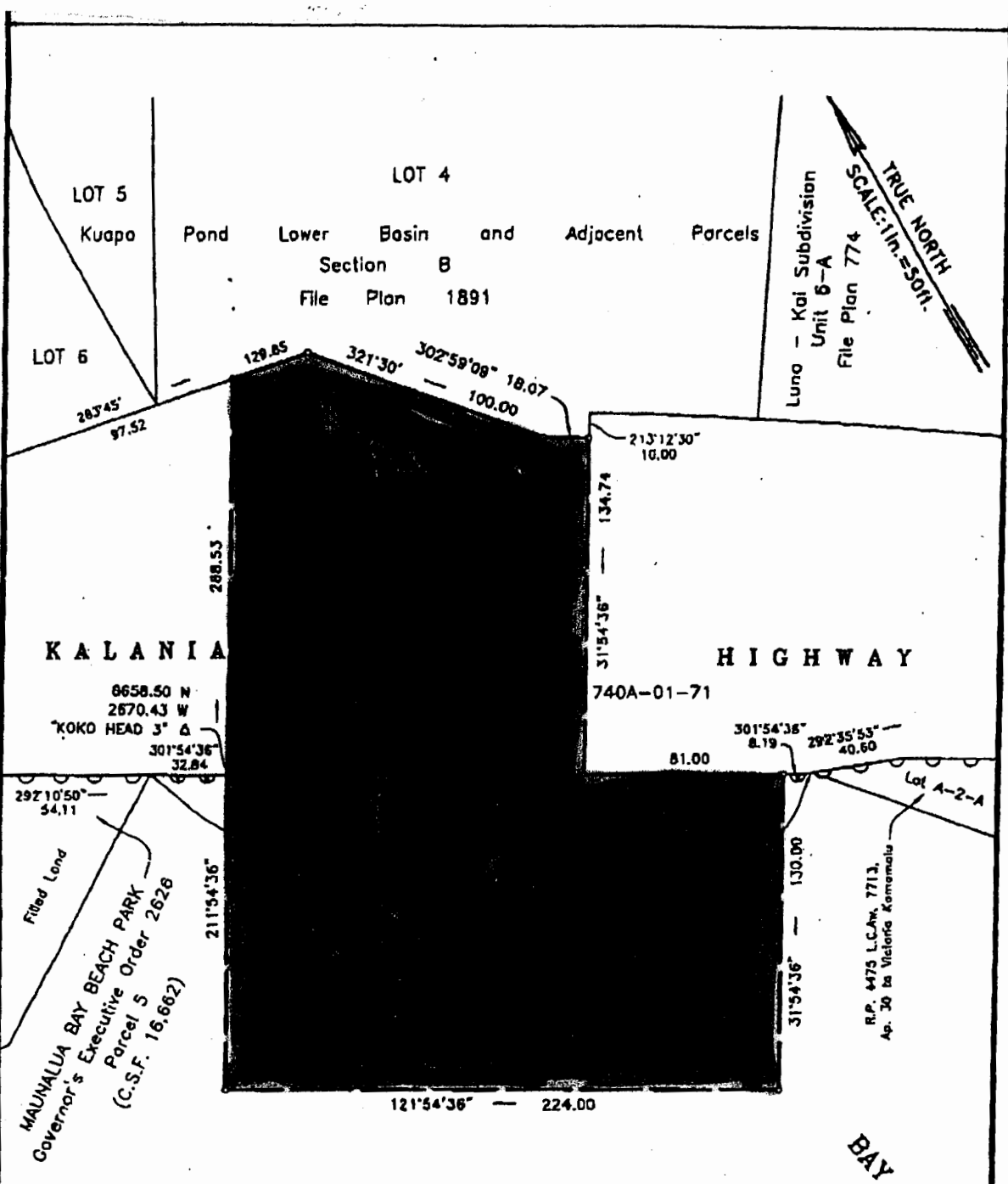
## VICINITY MAP

Public Notice POH-2005-74  
Hawaii Kai Marina Maintenance Dredging  
Plate 1



**LEGEND**

- Cross hatched areas indicate areas for future potential maintenance dredging:
- + Inner Marina
- + Outer Marina entrance channel approx. 200' x 900'
- + Dredging material to be placed in Rim Island



**PERPETUAL  
NON-EXCLUSIVE MAINTENANCE EASEMENT  
EASEMENTS A AND B**

Maunaloa, Honolulu, Oahu, Hawaii

Scale 1 inch = 50 feet

JOB 0-259(2002)

C. BK.

Denotes limited access as noted on plan

Denotes no vehicle access permitted

**REDUCED NOT TO SCALE**

TAX MAP 3-9-02

**SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII**

C.S.F. NO. 23,429

FOR December 15, 2002





Rim Island #2, Hawaii Kai Marina  
Aerial View West



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Hawaii Kai Marina Association,  
Rim Island 2  
Waterbird Habitat Best Management Practices

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Prepared by:

Reginald E. David  
Rana Productions, Ltd.  
P.O. Box 1371  
Kailua-Kona, Hawai'i 96745

Prepared for:

Hawaii Kai Marina Association  
377 Keahole Street, Suite D1-C  
Honolulu, Hawaii 96825

November 22 2004

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## ***Introduction***

Following numerous discussions and meetings with both the U.S. Fish & Wildlife Service (USFWS) and the Army Corps of Engineers (ACOE), the Hawaii Kai Marina Association (HKMA) proposed to implement the following Best Management Practices (BMPs) in conjunction with dredging activities that will impact Rim Island 2 (RI2). These BMPs are designed to ensure that the depositing of dredging spoils on RI2 will not result in adverse impacts to the endangered Hawaiian endemic sub-species of the Black-necked Stilt (*Himantopus mexicanus knudseni*). This species is known to have used foraging resources on an intermittent basis and to have attempted to nest on the island at least once in the recent past.

## ***Background***

Rim Island 2 was constructed in the upper Marina the 1960's during the initial development of the Hawaii Kai Marina. In 1994 the R. M. Towill Corporation surveyed the RI2 and calculated that the 7-foot deep water-filled rim island had a capacity of approximately 60,000 cubic yards of dredged material if it were uniformly filled to the top of the 5-foot high island rim (levee). During the 1995/96 major Marina dredging project, approximately 15,000 cubic yards of dredging spoils were deposited within the Rim Island, leaving RI2 gently sloping and still partially submerged (American Marine Corporation), (Figure 1). Currently the southwestern two-thirds of the island are solid land that gently slopes to the northeast. The northeast corner of the island remains at an elevation below the mean elevation of the surrounding water. This ponded area within the rim island has a water depth of between 4 and 7-feet adjacent to the inner rim of the levee – sloping to a few inches depth in the middle of the island (Figure 1). A chart detailing depth sounding is attached showing the actual depths of the remaining water on the Island (October 2002, HKMA- Marine Patrol), (Figure 2). Although the water level in the Marina basin varies with the tide, the water depth within RI2 has stayed constant throughout the years at mean sea level, except when heavy rainfall occurs, which may temporarily increase the depth by up to two-feet (Hawaii Kai Marina Staff).

## ***Current Habitat Conditions***

Water quality assessments of the water remaining with RI2 have shown the water to be hyper-saline, with readings of up to 134.6 ppt, almost four times the salinity of seawater (2001, University of Hawaii, Oceanography Department). Water depths currently present in the submerged portion of the island are by-in-large too deep to be used by Hawaiian Stilt (Figure 2). The Island is partially vegetated, the dominant vegetation within the filled area of the island is pickleweed (*Batis maritima*), a salt-tolerant invasive alien species. The levee crest is vegetated with a mix of alien species including Indian pluchea (*Pluchea indica*), koa haole (*Leucaena leucocephala*), kiawe (*Prosopis pallida*), and other alien grasses and weedy species. There is a relatively large thicket of red



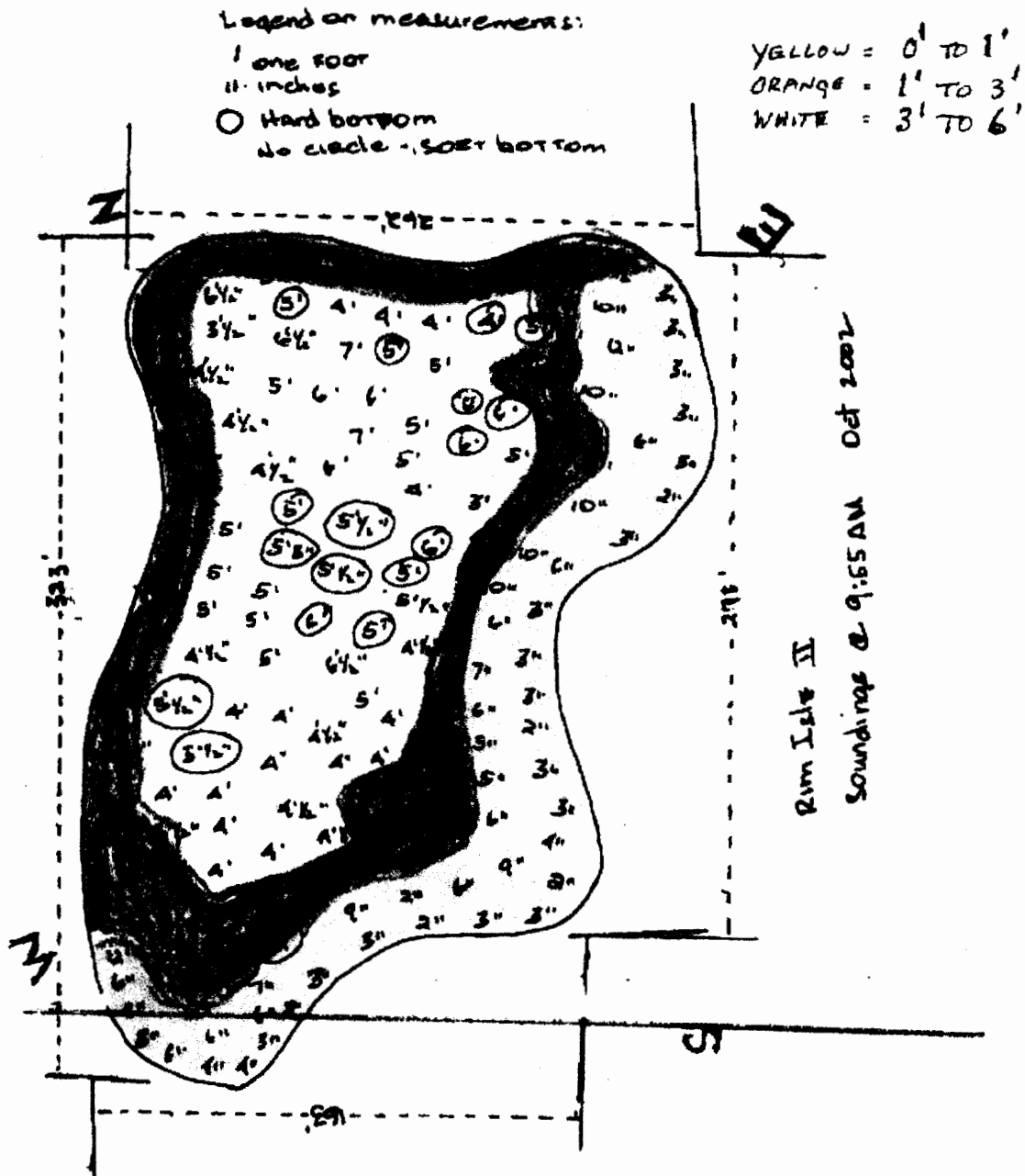
**Figure 1**

Rim Island 2  
Aerial Photograph  
Taken August 23<sup>rd</sup> 2003



Figure 2

RI2 Depth Soundings





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mangrove (*Rhizophora mangle*), an extremely undesirable aggressive invasive species growing on the Marina side of the levee on the southeast side of RI2 as well as a couple of smaller pockets on the northwest corner, these clusters are readily visible in the aerial photograph presented as Figure 1.

Over the past three years Hawaiian Stilt have been seen foraging on the Island on an irregular basis. In May 2002 one nest was discovered on the northern most part of the levee, although eggs were seen on two occasions, they soon disappeared and no juvenile stilts were seen on the island. It is likely that the nesting attempt failed. No other stilt nesting attempts are known to have occurred on the island in the past three years. During the Fall and Winter months numbers of four regularly occurring migratory shorebirds; Pacific Golden-Plover (*Pluvialis fulva*), Wandering Tattler (*Heteroscelus incanus*) Ruddy Turnstone (*Arenaria interpres*) and Sanderling (*Calidris alba*) also use foraging and loafing resources on the island. The habitat currently existing in this wetland is best suited as loafing and occasional foraging habitat for shorebirds, including the Black-necked Stilt.

### ***Proposed Action***

The Hawaii Kai Marina Association intends to use RI2 to deposit dredging spoils from future Marina dredging operations. As previously mentioned the American Marine Corporation calculated that the Island can accommodate an additional 45,000-cubic feet of dredging spoils. As the development surrounding the Marina nears build-out, future dredging cycles are expected to produce less and less material at each iteration. The remaining storage capacity of the Island is likely sufficient to accommodate at least two more major dredging cycles, and any number of smaller ones (American Marine Corporation).

### ***Best management Practices***

To ensure that the deposit of dredging spoils onto RI2 does not adversely impact Black-necked Stilts, HKMA proposes to implement the following minimization and mitigation efforts in concert with dredging activities.

1. Prior to the onset of any deposit of dredging spoil on RI2 a survey by a qualified field ornithologist will be conducted to ensure that no active Black-necked Stilt nesting activity is ongoing on the Island. Should any such activity be detected proposed actions will be postponed until any nest detected is either abandoned or chicks have become volant.
2. Prior to the onset of activity on the Island HKMA will notify the Honolulu office of the USFWS of their intent to conduct work on the Island, and provide information on the general scope and scale of the proposed dredging and spoil deposit load.

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3. Initial small quantities of spoil (likely to result from small dredging operations) will be deposited into the deep end of the remaining submerged parts of the Island, thus ensuring continued standing water and suitable shorebird habitat on the Island.
  4. At such time as a major dredging operation is planned HKMA will conduct an ornithological survey as detailed in item #1 and notify the USFWS detailed in item 2.
  5. Spoils will first be deposited into the deep end of the remaining submerged parts of the Island. When additional area is required, spoil will be placed in already dry portions of the island first and then, and only then, used to fill in the rest of the submerged area of the Island. This sequence of events will ensure that some waterbird usable habitat will be maintained until such time as the ponded area needs to be completely filled in.
  6. Following the settling and drying of the deposited dredging spoil the remaining above water/ground *Batis* and any other alien plant species will be bulldozed and buried. Where, and if practicable re-vegetation on the levee will include native lowland salt tolerant species.
  7. One or more depressions will be excavated to below ground water level, and graded to provide basin(s) approximately 5-inches deep, sloping to level. The combined areas of the depression (s) will be equal to, or greater than the area of the currently remaining submerged part of the Island that is usable by Black-necked Stilt and other migratory shorebird species during typical dry-weather conditions (currently calculated at approximately 5000-square feet, see Figure 2). To ensure that there is a sufficient waterbird usable habitat even in dry periods the basin(s) will encompass ~6000-square feet of new habitat
  8. In future dredging iterations the above cycle will be repeated as needed until RI2 has reached it's capacity to hold dredging spoils while simultaneously retaining ~6000-square feet of perennial groundwater-supported standing water habitat usable by stilts.
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**Regulatory Branch (CEPOH-EC-R)**  
**U.S. Army Engineer District, Honolulu**  
**Building 230**  
**Fort Shafter, HI 96858-5440**



**Figure 1**

Rim Island 2  
Aerial Photograph  
Taken August 23<sup>rd</sup> 2003

